IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 11813 of 2001(F)

PETITIONERS:

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1. B.BALAMOHANAN,
   MUSEUM ASSISTANT HIHGER GRADE,
   PAZHASSIRAJA MUSEUM, DEPARTMENT OF
   ARCHAEOLOGY, KOZHIKODE.

2. A.R.SONA, MUSEUM ASSISTANT,
   ARCHAEOLOGICAL MUSEUM,
   KOLLAMKODE HOUSE, TRICHUR.

   BY ADV. SRI.N.D.PREMACHANDRAN
   SMT.VIJU.P.VIJAYAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
   ITS SECRETARY TO GOVERNMENT,
   CULTURAL AFFAIRS, GOVERNEMNT SECRETARIAT,
   TRIVANDRUM.

2. DIRECTOR OF ARCHAEOLOGY,
   OFFICE OF THE ARCHAEOLOGICAL DEPT.
   HOUSING BOARD JUNCTION,
   GOVERNMENT PRESS P.O.,
   TRIVANDRUM.

   BY GOVERNMENT PLEADER SRI.K.V.MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.18913 OF 2001 & I.A.NO.1590 OF 2003
IN O.P.NO.11813 OF 2001

DISMISSED.

13/6/2007 Sd/-T.R.RAMACHANDRAN NAIR,JUDGE

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE APPOINTMENT ORDER DT.25.1.85 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: COPY OF THE PROCEEDINGS DT.23.1.85 OF THE DIRECTOR.

EXT.P3: COPY OF THE APPOINTMENT ORDER DATED 20.11.86.

EXT.P4: COPY OF THE SENIORITY LIST DT.1.1.1989.

EXT.P5: COPY OF THE ORDER DT. 14.3.95.

EXT.P6: COPY OF THE ORDER DT.12.6.97.

EXT.P7: COPY OF THE ORDER DT. 29.9.99.

EXT.P8: COPY OF THE ORDER PROMOTING DT.27.1.1981.

EXT.P9: COPY OF THE SPECIAL RULES DT. 28.10.74.

EXT.P10: COPY OF THE SPECIAL RULES FOR ARCHAEOLOGICAL SUBORDINATE DT.3.1.2000.

EXT.P11: COPY OF THE SPECIAL RULES FOR ARCHAEOLOGICAL SUBORDINATE SERVICE DT.3.1.2000.

EXT.P12: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER.

EXT.P13: COPY OF THE PREPRESENTATION SUBMITTED BY THE PETITIONER.

TRUE COPY

P.A.TO JUDGE

T.R.RAMACHANDRAN NAIR, J.

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O.P.No.11813 of 2001-F.

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Dated this the 13th day of June, 2007.

J U D G M E N T

The petitioners are working as Museum Assistants under the second respondent. They have been sanctioned higher grades on 4-2-1995 and 28-11-1996 respectively. The then special rules had stipulated the next higher post of Curator from the said post. The grievances raised in the writ petition are concerning the various anomalies in the special rules prescribing the mode of appointment and the qualification to the post of Curator. The main complaint of the petitioners is that the post of Museum Assistant which was a feeder category to the post of Curator has been omitted when the special rules were revised as per Ext.P10 dated 3-1-2000 which will deprive the petitioners the right of promotion. According to them, this was only to give benefit to certain other categories.

2. A counter-affidavit has been filed by the first respondent. It is stated in para.6 that there are certain anomalies in the revised special rules and the revised special rules have deprived many employees of their chances of promotion in accordance with the old special rules and the question of amending the special rules is under consideration of the Government. It is averred that a revision of the special rules with a view to rectifying the

anomalies is under consideration of the Government. In para.7 also it is reiterated that, "the question of including the post of Museum Assistant also in the feeder category to the post of Curator has been considered and appropriate decision will be taken when the special rules are revised." Since the Government has already taken steps to revise the special rules to set right the anomaly, it is unnecessary for this Court to go into the validity of Ext.P10 now. The counsel for petitioners requested for issuance of appropriate direction to respondents to expedite the matter. Hence there will be a direction to the respondents 1 and 2 to finalise the amendment of the special rules as agreed in the counter-affidavit, if not already done, within a period of five months from the date of receipt of a copy of this judgment. Needless to say that the grievance of petitioners who are Museum Assistants, who were earlier in the feeder category for promotion as Curator will be redressed as stated in the counter-affidavit, by including them as feeder category. Consequential orders as regards them will be also issued accordingly. The writ petition is disposed of in the above terms. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-